

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20-cv-40-MOC-DSC**

**BALLANTYNE VILLAGE
PARKING, INC.,**

Plaintiff,

vs.

**ASVRF BALLANTYNE VILLAGE
JV, LLC,**

Defendant.

ORDER

This matter is before the Court on Defendant's Motion to Dismiss or, Alternatively, to Stay (Doc. No. 4) Plaintiff's pending Application to Confirm Arbitration Award (Doc. No. 1). This dispute concerns the parties' access and parking rights under an easement agreement involving the Ballantyne Village shopping center in south Charlotte.

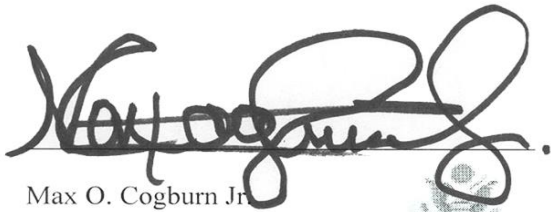
For the reasons stated in Defendant's supporting memorandum, the Court finds that it is appropriate for the Court to stay this action until resolution of the identical action pending in state court. See ASVRF SP Ballantyne Village JV, LLC vs. Ballantyne Village Parking, LLC, Mecklenburg County, Superior Court Division, Case Number 20-CVS-360.

Thus, Defendant's Motion to Dismiss (Doc. No. 4) is **DENIED** to the extent that the Court declines to dismiss this matter, but the Court will hold this matter in abeyance until resolution of the ongoing action in state court.

The parties shall notify the Court when the state court proceedings have concluded and whether that moots the action in this Court.

IT IS SO ORDERED.

Signed: March 9, 2020

A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.", written over a horizontal line. The signature is stylized with large loops and a trailing flourish.

Max O. Cogburn Jr.
United States District Judge

